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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/669,350 | 09/26/2000 | Kenneth W. Batcher | 72255/02661 | 4571 |
| 23380 | 7590 | 03/23/2005 | EXAMINER | |
| TUCKER, ELLIS & WEST LLP 1150 HUNTINGTON BUILDING 925 EUCLID AVENUE CLEVELAND, OH 44115-1475 | | | BARQADLE, YASIN M | |
| | | ART UNIT | | PAPER NUMBER |
| | | | | 2153 |

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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| | | | |
|------------------------------|------------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/669,350 | BATCHER, KENNETH W. | |
| | Examiner Yasin M Barqadle | Art Unit 2153 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 14 October 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) 28-41 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-27 and 42 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

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Response to Amendment

1. The amendment filed on October 14, 2004 has been fully considered but are moot in view of the new grounds of rejection.

- Claims 28-41 have been cancelled.
- Claims 1,6,10,15,19 and 24 have been amended.
- Claims 1-27 and 42 are presented for examination.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 42 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitation ``where in the single processor instruction is

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repeatedly executed until entire data packet has been transferred.''

3. Claim 42 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The limitation ``where in the single processor instruction is repeatedly executed until entire data packet has been transferred.''

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-28 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sandorfi US (5768530) in view of Ganapathy et al et al (hereinafter ``Ganapathy'') USPN. (6408376).

As per claims 1,10, 19, Sandorfi teaches a data processing method and system for transferring data between two processing systems, wherein said two processing systems operate independently, said method comprising (Fig. 2):

receiving a data packet from a physical layer processing system [the physical interface between data exchanging mediums Col. 2, lines 60-67 to Col. 3, lines 1-11; abstract];

storing the received data into a first memory device, the received data packet comprising a header portion and a data portion [received frames include data portion and header portion figs. 4 and 15, col. 3, lines 1-11 and Col.5, lines 60-67 and col. 18, line 51 to col. 19, line 18]; and

directly transferring a portion the stored data packet from the first memory device to a main memory device[col. 14, lines 21-45) Fig. 4 Col.5, lines 60-67; Col. 9, lines 41-58].

Although Sandorfi shows substantial features of the claimed invention, he does not explicitly show a wireless signal from a radio frequency physical layer.

Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Sandorfi, as evidenced by Ganapathy et al USPN. (6408376).

In analogous art, Ganapathy et al whose invention is a voice and data communication system that includes a packetized or packet-switched network, such as IP, ATM, frame relay or wireless. The network allows the communication of voice/speech and data between

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endpoints in the system 100, using packets, disclose a wireless communication system by means of a mobile unit 118 transceiving digital signals or analog signals wirelessly to a base station 116 [fig. 1A and Col. 8, lines 24-29]. Giving the teaching of Ganapathy et al, a person of ordinary skill in the art would have readily recognized the desirability and the advantage of modifying Sandorfi by employing the system of Ganapathy et al for the flexibility of accommodating and transferring a diverse data packets.

Ganapathy further teaches formatting the data portion by a media access control layer processor while the data packet is stored in the first memory device (Col. 8, lines 24-29 and col. 26, lines 11-24);

executing a single processor instruction on the media access control processor (present invention efficiently executes these dyadic DSP instructions by means of the instruction set architecture and the hardware architecture of the application specific signal processor col. 4, lines 12-24 and col. 7, lines 50-55. See abstract).

As per claims 2,11 and 20, Sandorfi teaches the invention, wherein the invention further comprises:

transferring the data portion of the data packet stored in said main memory device to a host memory device, upstream of a host processor, wherein said media access control layer processor formats the data stored in said host memory device using a host

protocol [col. 5, lines 14-67; col. 14, lines 58-67 and Col. 18, lines 51-65].

As per claims 3,12 and 21, Sandorfi teaches the invention, wherein said first memory device is a FIFO memory device [Col.5, lines 60-67].

As per claims 4,13 and 22, Sandorfi teaches the invention, wherein said host memory device is FIFO memory device [Col.6, lines 47-64 and col. 14, lines 58-67].

As per claims 5,14 and 23, Sandorfi teaches the invention, wherein the method further comprises bit-aligning the data in said first memory device [Col.5, lines 34-67; col.14, lines 8-32].

As per claims 6, 15 and 24, these claims have similar limitation as claim 1 and 10. Therefore, they are rejected with the same rationale.

As per claims 7 and 16, Sandorfi teaches the invention, wherein said media access control layer processing system formats the data portion stored in said host memory device using a host protocol [col. 5, lines 14-67; col. 14, lines 58-67 and Col. 18, lines 51-65].

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As per the limitation of enabling communication of the data portion to a remote host across a wired network (see Ganapathy Fig. 1].

As per claims 8 and 17, Sandorfi teaches the invention, wherein said first memory device is a FIFO memory device [Col.5, lines 60-67].

As per claims 9 and 18, Sandorfi teaches the invention, wherein said host memory device is FIFO memory device [Col.6, lines 47-64 and col. 14, lines 58-67].

As per claims 25, Sandorfi teaches the invention, wherein said media access control layer processing system formats the data stored in said host memory device using a host protocol [col. 5, lines 14-67; col. 14, lines 58-67 and Col. 18, lines 51-65].

As per the limitation of enabling communication of the data portion to a remote host across a wired network (see Ganapathy Fig. 1].

As per claims 26, Sandorfi teaches the invention, wherein said first memory device is a FIFO memory device [Col.5, lines 60-67].

As per claims 27, Sandorfi teaches the invention, wherein said host memory device is FIFO memory device [Col.6, lines 47-64 and col. 14, lines 58-67].

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As per claim 42, Ganapathy teaches the invention where in the single processor instruction is repeatedly executed until entire data packet has been transferred (col. 11, lines 6-46).

Conclusion

5. The prior made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin Barqadle whose telephone number is 571-272-3947. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Yasin Barqadle

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Glenton B. Burgess
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